

Clearing tonight; fair to-morrow; brisk westerly winds.

# The Washington Times

...YOU FURNISH THE ROOM...  
TIMES WANTS  
WILL FURNISH THE BOARDER

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## REPORT ON FALLS RAILROAD PLAN SENT TO SENATE

Commissioners Suggest  
Two Amendments and  
Discuss Route.

OFFER SUBSTITUTE BILL

Board Suggests That L Street  
Rather Than M Should  
Be Used for Tracks.

The M Street cross-town railway project, which has been before the District Commissioners for some time for consideration and report, is now again in the hands of the Senate District Committee. The report of the Commissioners was made public by Chairman Galinger today.

This report does not make any conclusive recommendation except that the bill presented for consideration needs at least two amendments of an important sort, and therefore the Commissioners submit a substitute bill to meet these requirements. The suggestion that L Street might be better than M Street, because a smaller amount of residential property would be affected.

A Discursive Report.

The report considers the subject in discursive style, commenting upon the protests made against the M Street route, and demand for transfers to intersecting lines, and other details, but leaves the forming of a final decision entirely in the hands of the Senate District Committee. The report, in part, is as follows:

Against Public Policy.

"The bill as introduced needs many amendments. There are two paragraphs in particular which are contrary to public policy. Lines 18 to 20, page 2, state that the company 'shall have and exercise in said District every power, right, and franchise given by general and special act of Congress to any other corporation to maintain and operate a street railway therein.' This would give to the new company all and each of the rights that each existing company has. The existing companies, consolidated from several companies, have special charters, in each case granted by Congress, for each original road, so as to cover the particular circumstances, and none have a general charter, such as asked for here. It would manifestly be better to give to this company a charter suitable to its own needs than to allow it to exercise every privilege granted to all or a number of companies.

"Section 4 provides that the company shall have within the District of Columbia all the rights that are or may be given to it by the State of Virginia. This is absolutely at variance with all precedents and contrary to good administration. It would of course not be permissible for the State of Virginia to grant privileges within the District of Columbia, such as are asked for here.

Two Main Points.

"The main points to be considered with reference to a new road are, first, the demand for the road, and, second, whether the route chosen is the best.

"As a general proposition the Commissioners are in favor of the extension of the existing lines rather than the introduction of new ones within the city, as experience in the past has shown that the consolidation of a number of roads authorized by Congress has been a benefit. Such extensions could be built at a less cost and operated for less money, so that greater facilities, such as transfers, could be afforded the public. The officials of the existing railroad companies have expressed themselves as willing to extend their lines whenever traffic warranted it.

Needs of Traffic.

"The daily movement in Washington is from the outskirts to a center represented by the section lying between the Capitol and the State, War, and Navy Department, so that in this consideration it will be well to separate the two divisions on the northwest and the northeast.

"Taking the northwest, there is a general feeling that an east and west cross-town line is desirable; that it will facilitate travel to the new railroad station, and be an accommodation to many who wish to go across the city. That this is a real demand appears on its face by the desire of this new company to construct a route along these lines. While this seems to be the general feeling, and it has been so stated by the Board of Trade and others, there has been no large body of citizens which has in any way appeared before the Commissioners to make any effort to establish this fact. The street railway would not reach any of the Government Departments or the business

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## WEATHER REPORT.

Rain or snow is indicated for tonight in the middle Atlantic States, and snow in the lower lake region and upper Ohio Valley. The weather to-morrow will be fair, except along the lower lakes, where snow will continue.

It will be much colder tonight in the east Gulf and south Atlantic States, and somewhat colder in the upper Ohio Valley.

TEMPERATURE.

9 a. m. .... 30  
12 noon. .... 32  
1 p. m. .... 33  
2 p. m. .... 33

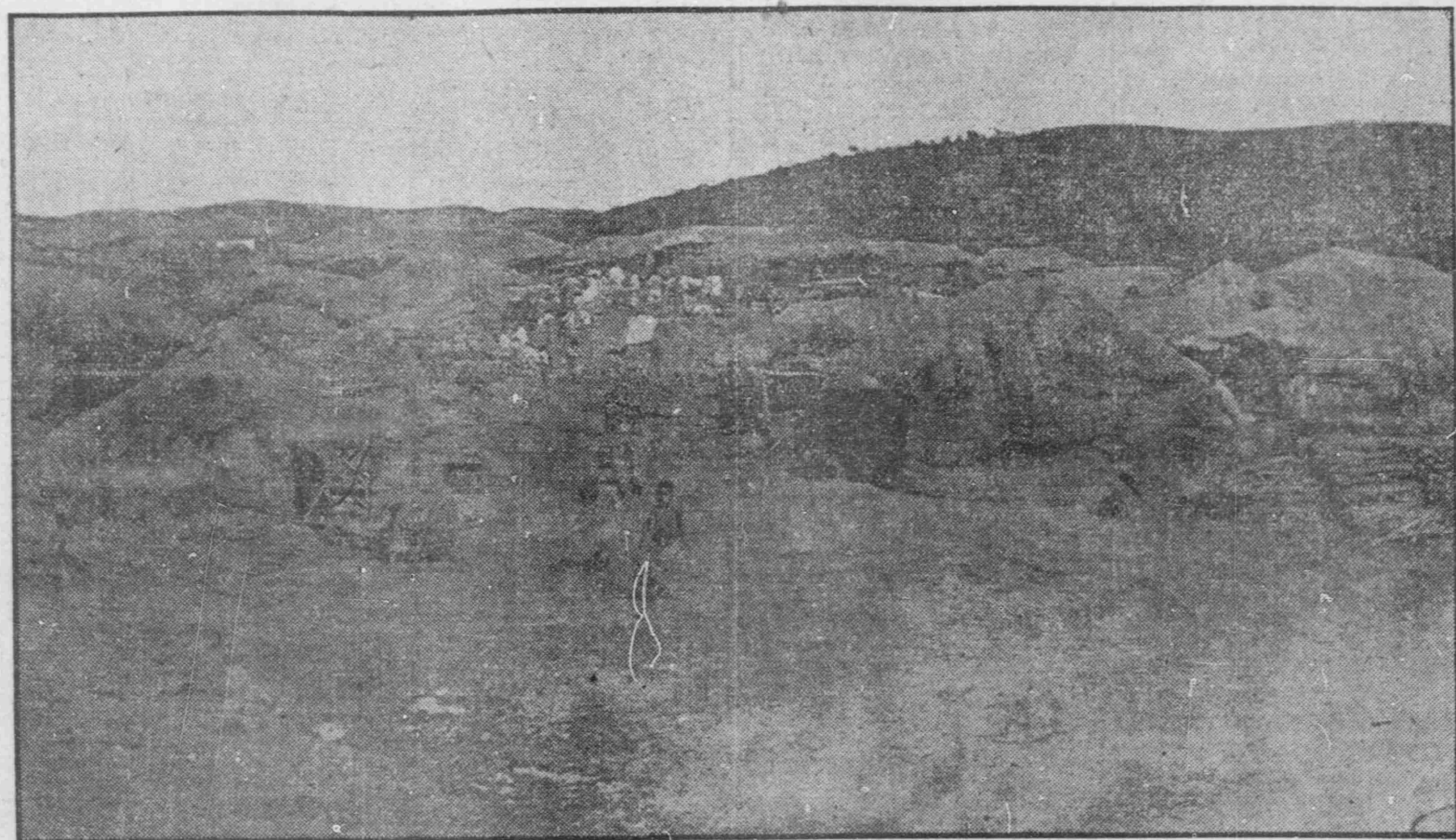
THE SUN.

Sun sets today ..... 6:05 p. m.  
Sun rises tomorrow ..... 6:14 a. m.

TIDE TABLE.

High tide today ..... 5:32 p. m.  
High tide tomorrow ..... 7:12 a. m.  
Low tide tomorrow ..... 1:27 p. m.

## STREET SCENE IN CHEMULPO.



Primitive thoroughfare of Korean town which was taken by the Japanese forces shortly after the outbreak of the war in the Far East. It was in the harbor of Chemulpo that the Russian cruisers Variag and Korietz were destroyed.

## WRIT OF MANDAMUS AGAINST JUDGE WING

Department of Justice Seeks to Compel  
the Court to Take Legal Action on  
Chinese Exclusion Cases.

For the first time on record, the Government of the United States has applied to the Supreme Court for a writ of mandamus directed against a Federal judge. A petition for a writ of mandamus was filed by Attorney General Knox with the Supreme Court today, the purpose of it being to compel Judge Francis J. Wing, of the district court of the Northern district of Ohio, to take what the Department of Justice holds is legal action with regard to a number of Chinese exclusion cases.

It is maintained that Judge Wing, in holding unconstitutional that part of the Chinese exclusion law that provides for the deportation of alien Chinese after trial before a United States Commissioner, is proceeding contrary to the holdings of the Supreme Court itself, and that he is blocking the way for the deportation of Chinese who are unlawful in the United States.

The Chinese Cases.

Several Chinese exclusion cases have come up in his district recently. Chinese charged with being unlawfully in this country were arrested and brought before United States Commissioner Simpson, who ordered them deported. Their counsel went before Judge Wing on appeal proceedings, and the judge ordered the prisoners released. When the Government sought to have the necessary papers in the proceedings filed in the District Court and all steps taken necessary to appeal to the United States Supreme Court, Judge Wing interfered.

## Compact With Sultan Of Sulu Now Abrogated

War Department Takes Action Owing to Failure of Dattoes to Keep Agreement--Annulment and Polygamy Abolished.

The treaty between the United States and the Sultan of Sulu, dated August 29, 1899, whereby that official and the dattoes under him enjoyed certain annuities from the United States Government, and were allowed to continue the practice of polygamy, has been abrogated.

This action by the War Department will put an end to the legislation contemplated by Congress to abrogate the treaty by a special bill.

Explaining the matter, Secretary Taft says: "The conditions in the island of Jolo, the utter failure of the Sultan and the dattoes to live up to their agreement, and the taking up of arms against the United States by nearly all the dattoes who signed the document, entirely justify the action of the Government in abrogating the agreement."

The following telegram from Secretary of War Taft to Governor Wright of the Philippines, was made public today:

"By order of the President, you are directed to notify the Sultan of Sulu and the dattoes who signed the so-called Bates treaty of August 29, 1899, which was a modus vivendi and merely an executive agreement, that in view of the failure on the part of the Sultan and the signing dattoes to discharge the du-

ties and fulfill the conditions imposed upon them by said agreement they have forfeited all rights to the annuities therein stipulated to be paid to them and to all other considerations moving to them under the agreement, the treaty is abrogated and held for naught, and that as residents of the Moro province of the Philippine archipelago, they are now subject to the laws enacted therein under the sovereignty of the United States. Communicate this to Leonard Wood, governor of Moro province, and advise him to make acknowledgment of receipt and notification to the parties."

Here follows a copy of a dispatch from Secretary Root to the Philippine Commission, directing it to pass suitable legislation, which should be sent back to Washington for the approval of the War Department abrogating the treaty.

"The disturbances in the island of Jolo make necessary speedier action than was contemplated in the above dispatch."

TAFT.

CONSULS RECOGNIZED.

The following foreign consular officers have been recognized: W. D. Howe, vice consul of Belgium, at Pensacola, Fla.; F. Salcedo Ochoa, consul of Venezuela, at Philadelphia; R. H. Motte, consul of the Netherlands at Baltimore, Md.; and William S. Adams, vice consul of Brazil, at Savannah, Ga.

## VLADIVOSTOK FORTS LEFT DEFENSELESS

Quartermaster's Bull Would Have Resulted  
in Disaster Had Japanese Followed  
Up Bombardment.

MOSCOW, March 14.—It is learned that the reason the Vladivostok forts did not reply to the shelling by the Japanese vessels on March 6, was that the officials at St. Petersburg supplied them with shells whose diameter was two millimeters too large for the guns of the fort.

As a result, the fortresses were reduced to a state bordering on impotence, and had the Japanese fighters sailed into the harbor they could, in all probability, have taken the town without serious trouble.

Orders to rush ammunition of the right calibre have been sent to St. Petersburg, and an investigation has been started to ascertain who was responsible for the blunder.

ST. PETERSBURG, March 14.—A telegram has been received at headquarters here stating that the situation at Port Arthur remains unchanged, and that reports of Russian evacuation of the fortifications there are unfounded.

## Port Arthur Desolate; Death Pall Over City

I left Chefoo on board the "Daily Mail" dispatch boat last night at 10 o'clock, says a correspondent of the "New York World" under date of March 12. The night was dark and moonless, and there was a slight fog. At midnight we sighted searchlights ahead, but they disappeared at 4:45 o'clock, and sunrise showed us the mountainous coast of Liaotung peninsula.

A vast cloud of smoke obscured the horizon, and on a nearer approach I could see three distinct pillars of smoke ascending from Port Arthur. When ten miles distant we located them in or near the new city. We then sailed down until we came within two miles from the nearest fort, when we stopped, but as no notice was taken of our approach we proceeded to a place between the first two forts in a line with the sunken Japanese transport.

Here we could see objects with vivid distinctness. The first fort, which is squat, appeared to be undamaged and its guns were in position, but the second, the Mantseying fort, or Bread Hill fort, on Summit Mountain, on the western side, about three-quarters of a mile distant from the entrance of Port Arthur, appeared as though it had suffered from a terrific fire. The defenses in parts appeared to be shattered, earthworks were torn up and no guns were visible. Many shells had evidently fallen all along the line of forts on Tiger's Tail peninsula, which protects the west fort from the sea. Little could be seen of the fortifications on Huangchinsan, or Golden Mountain, owing to drifting smoke. On the east of the entrance the masts of another foundered ship were visible behind the Retvizan. A number of destroyers lay a few yards inside, but did not appear to have steam up. The houses in old Port Arthur, so far as they could be seen through the smoke, appeared to be uninjured, but nowhere was there a sign of life or even the flutter of a flag.

The deserted roadstead, the forts, smoke-hidden from fire, and the ghost-like quiet made it seem like a city of death. To the east of the city lie the barracks of recent construction, but I was unable to perceive a single soldier. Ultimately we turned seaward, and as we departed we were followed by a vessel which we identified as the British collier Foxton Hall. The Chinese crew of the steamer agreed that in the bombardment of February 19 the forts were silenced. The inhabitants, except the soldiers, have all fled. Three vessels, all Russian, it is reported, have been sunk in the harbor. No Russian ship took an active part in the action. The Chinese assert that seven Russian vessels only remain effective. Natives are very short of food, no meat being allowed them.

## SIXTY RUSSIANS MET DEATH IN PORT ARTHUR BOMBARDMENT

TIENTSIN, March 14.—An official who witnessed the latest bombardment at Port Arthur reports that twenty Russians were killed on board the battleship Retvizan, twenty on board the Sevastopol, and twenty in the town.

The Russians say they sank a Japanese cruiser at Yingkow Friday. (This may refer to the Takasago, the loss of which was reported in a Paris dispatch on Saturday.)

Eyewitnesses of Thursday's bombardment say that the Japanese fire, which in the previous bombardments was in-different, was characterized by marvelous accuracy. It came from the direction of Pigeon Bay, where, according to Russian report, twice the number of ships engaged in the previous attacks were sighted. It is supposed that transports of various kinds accompanied the warships. It is reported that the Retvizan, which was then lying inside the entrance to the harbor, was struck several times.

The Golden Hill forts were badly damaged. There were many casualties among the non-combatants in the town, which suffered most. One building near the war bureau was destroyed. At another point an entire family was annihilated. Great depression is noticeable among the Russians at Yingkow. There is much criticism of the navy.

A number of Russians at Port Arthur who were found with foreign newspapers in their possession were ordered to leave. The suspicion of newspapermen is general among the Russian. A prominent police official has committed suicide on account of his failure to apprehend certain correspondents. Residents of Port Arthur assert that the defenders of the town are under the delusion that British officers command the Japanese warships.

CHEEFOO TEARS DOWN JAPANESE PLACARDS

CHEEFOO, March 14.—With a view to excite the Chinese from neutrality, the Japanese have posted in the streets of

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## SUPREME COURT KILLS MERGER

U. S. Government Wins Brilliant Victory in  
Northern Securities Case Before High-  
est Tribunal in the Land.

HARLAN READS OPINION DEALING  
DEATHBLOW TO RAILROAD TRUST

Decision Reached by Vote of Five to Four,  
Justices Holmes, Peckham, White,  
and Fuller Dissenting.

The Supreme Court of the United States today handed down its decision in the case of the Northern Securities Company vs. the United States. The contents of the Government are upheld and the merger is declared to be in violation of the anti-trust act. Justice Harlan read the opinion of the court.

The decision in the case was by vote of five to four, Justices Holmes, Peckham, White, and Fuller dissenting. Justice Harlan first explained the questions at issue, the enforcement of the anti-trust act, in which Congress declares illegal contracts or combinations in restraint of trade, and provides penalties.

Charges Fully Sustained.

"In our opinion," he said, "the evidence fully sustains the charge."

"The Northern Securities Company was organized as the holding corporation, or the custodian of more than nine-tenths of the stock of the Northern Pacific and three-quarters of the Great Northern," he said. "Both lines were held as if held by one owner. The holding company dominated the roads for the exclusive benefit of its stockholders."

Justice Harlan first explained the questions at issue, the enforcement of the anti-trust act, in which Congress declares illegal contracts or combinations in restraint of trade, and provides penalties.

"The combination is one in the shape of a trust. No scheme or device could more thoroughly be a combination in the form of a trust in restraint of commerce. It is a menace to and a restraint of the freedom of commerce."

All Restraint Unlawful.

The contention of the defendants that an opinion in its favor would not be contrary to the spirit of the anti-trust law is negatived. The decision in the Joint Traffic Association, the Trans-Missouri cases, the Addyston Pipe Company, and others, were quoted to sustain the Government's contention.

"We deem it sufficient to say," continued Justice Harlan, "that certain deductions may be drawn from these decisions. Every contract, combination or conspiracy which operates in restraint of trade is unlawful, whether it be an unreasonable or a reasonable restraint. There is no distinction. The law forbids such combination even among private manufacturers or dealers."

Congress Has Power.

"Congress clearly has the power to establish rules governing commerce between the States and with foreign countries. Free competition is the rule prescribed by the Constitution. The natural effect of competition is to increase commerce. It need not be shown that the combination resulted in a total suppression of trade; it is unlawful if it tends to create a monopoly or restrain trade. Such tendency alone is against the law."

"The liberty of contracts is not impaired by the act, which Congress had the authority to enact. These principles," said Justice Harlan, "have been distinctly announced in other cases."

Constitution Supreme.

He then considered the objections to the Government's contention, raised by the argument of the Northern Securities Company's counsel and demolished them one by one. The objection that the act of doing what it might lawfully do under State law was sterilely met.

"The Constitution of the United States is the supreme law," he said. "A lawful constitutional act of Congress is as binding on the States as though it were in the Constitution of the United States, the constitution of States to the contrary notwithstanding. No State, let alone one of its artificial creatures, can stand in its way."

"The ownership of stock in a railroad, if that railroad does an interstate business, is in itself interstate commerce," declared the justice, in reply to that objection which contended that Congress cannot forbid an individual from disposing of his stock in corporations, or from investing his money as he may see fit. "If the contentions of the Northern Securities were sound, why could not all the railroads in the United States enter into a combination, and by the device of a holding corporation, control rates all over the United States, against the will of Congress? Congress may protect the freedom of interstate rates by lawful means. No State corporation can stand in the way of the enforcement of popular will, lawfully expressed."

As to States' Rights.

The power of Congress over interstate commerce extends to all the instrumentalities of such commerce and may remove everything that tends to interfere with it.

Justice Harlan denied the sacredness of the doctrine that the right of States was being trespassed on by the law. If a State should allow a railroad to do those things which interfere with interstate commerce, should Congress be impelled to hold aloof on the ground that it would invade State rights? Such a doctrine could not be given effect without destroying the power of

the National Government. No State can give any corporation the right to restrain interstate or international law. The Federal court cannot prevent the Northern Securities from exercising its State rights, justly given it by the State. But it can prevent from doing that which would destroy the act of Congress.

Not Stronger Than Law.

"The affirmation of the decision below," he said, "would only mean that no combination is stronger than the law or can avail itself of the pretext that State rights are attacked in the enforcement of a lawful act of Congress. No combination, be it ever so powerful, is beyond the reach of the supreme law if it undertakes to restrain commerce."

All Must Submit.

"So long as Congress keeps within its constitutional rights all must submit. Mischiefs only could result by the courts departing from this principle of construction; it would strike at the foundation of our institutions. A statute must be enforced, unless it be clearly unconstitutional. To say that Congress has erred cannot effect the decision of the court. The decision of a new Congress alone corrects such error. The courts must construe the statutes and enforce them if they be constitutional."

May Not Acquire Stock.

"The decree of the court below enjoins the Northern Securities Company from acquiring stock in the two companies, from voting what it holds, from exercising any control over either of the roads or from permitting these things to be done."

"The decree of the court below is affirmed with liberty to the company from the decree as circumstances may dictate."

Justice Harlan consumed one hour in delivering the opinion. Justice Brewer followed him, concurring in the findings of the court but not going as far in some of his interpretations of the issues at stake.